

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

Hearing Date: To be determined by Court
Objection Deadline: October 21, 2020

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L. Madoff
Investment Securities LLC and Bernard L. Madoff,

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Plaintiff,

v.

SAGE ASSOCIATES, *et al.*;

Defendants.

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L. Madoff
Investment Securities LLC and Bernard L. Madoff,

Adv. Pro. No. 10-04362 (SMB)

Plaintiff,

v.

SAGE REALTY, *et al.*,

Defendants.

Adv. Pro. No. 10-04400 (SMB)

NOTICE OF TRUSTEE'S MOTIONS IN LIMINE NUMBERS 1 AND 2

PLEASE TAKE NOTICE THAT Irving H. Picard, as trustee (“Trustee”) for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa *et seq.*, and the estate of Bernard L. Madoff (“Madoff”) (collectively, “Debtor”), by and through his undersigned counsel, will move before the Honorable Stuart M. Bernstein, United States Bankruptcy Judge, Southern District of New York, on a date and time to be determined by the Court for entry of orders relating to trial in the above-referenced adversary proceedings on: (1) Trustee’s Motion *in Limine* Number 1 To Admit the Trial Testimony of Frank DiPascali; and (2) Trustee’s Motion *in Limine* Number 2 to Exclude Deposition Testimony of Bernard L. Madoff (the “Motions”), and upon the Declaration of Seanna R. Brown in Support of the Motions. Proposed orders are attached hereto as Exhibits 1 and 2.

PLEASE TAKE FURTHER NOTICE that written objections to the Motions must be filed with the Clerk of the United States Bankruptcy Court, One Bowling Green, New York, New York 10004 by October 21, 2020 (with a courtesy copy delivered to the Chambers of the Honorable Stuart M. Bernstein) and must be served upon (a) Baker & Hostetler LLP, 45 Rockefeller Plaza, New York, New York 10111, Attn: David J. Sheehan; and (b) Securities Investor Protection Corporation, 1667 K Street, N.W., Suite 10, Washington, DC 20006, Attn: Kevin Bell. Any objections must specifically state the interest that the objecting party has in these proceedings and the specific basis of any objection to the Motions.

PLEASE TAKE FURTHER NOTICE that failure to file timely objections may result in the entry of an order granting the relief requested in the Motions without further notice to any party or an opportunity to be heard.

Dated: October 14, 2020
New York, New York

BAKER & HOSTETLER LLP

By: /s/ Seanna R. Brown
45 Rockefeller Plaza
New York, New York 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
Email: dsheehan@bakerlaw.com
Seanna R. Brown
Email: sbrown@bakerlaw.com
Nicholas J. Cremona
Email: ncremona@bakerlaw.com
Michael A. Sabella
Email: msabella@bakerlaw.com

*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC and
the Chapter 7 Estate of Bernard L. Madoff*